IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 2586 of 1996

Between:

P. Lakshminarayana S/o Ramakrishna Rao, Field Officer,
Sri Visakha Grameena Bank, Srikakulam

..... PETITIONER

AND

1 The Chairman & Disciplinary Authority
Sri Visakha Grameena Bank, Srikakulam
2 The Board of Directors,
Sri Visakha Grameena Bank, Srikakulam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certionari calling for the records relating to Proceedings No.D.P.279/95-96, dt: 28-8-1995 of the 2nd respondent and Proceedings in N.D.P.No.8, dt: 3-4-1995 of the 1st respondent and quash the same and further direct the Respondents to award all consequential benefits to the petitioner.

Counsel for the Petitioner:MR.B.NAGESWARA RAO

Counsel for the Respondents 1 and 2 : MR.K.SRINIVASAMURTHY

The Court made the following :

ORDER:

This writ petition is filed questioning the proceedings in N.D.P.No.8, dated 03.04.1995, of the 1st respondent and as affirmed by the 2nd respondent, and communicated to the petitioner *vide* proceedings No.D.P.279/95-96, dated 28.82.1995, and to direct the respondents to reinstate the petitioner into service with all consequential benefits.

Initially, the petitioner was appointed as a clerk in the year 1978 in Visakha Grameena Bank, Srikakulam. Subsequently, in the year 1982, he was promoted as Senior Clerk-cum-Cashier and further promoted as Field Supervisor in the year 1987. While he was working at Polaki Branch, he was placed under suspension and a charge sheet was issued on 12.01.1991 enumerating as many as eight charges against him. The petitioner submitted his explanation, dated 18.07.1991, denying the charges levelled against him. Thereafter, a domestic enquiry was conducted by the enquiry officer, who submitted a report to the 1st respondent-disciplinary authority. After receiving the enquiry report, the 1st respondent passed final order dated 03.04.1995 dismissing the petitioner from the service of the bank. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent on 11.04.1995 and the same was rejected on 28.08.1995. Hence, this writ petition.

Learned counsel for the petitioner raised two important grounds, namely, that the order passed by the 2nd respondent is a non-speaking order and therefore, the rejection of the appeal amounts to non-exercise of its mind; and even assuming that the charges alleged against the petitioner are proved, the punishment imposed on him is disproportionate to that of the misconduct alleged against him.

I have gone through the impugned proceedings as well as the other evidence available on record.

The enquiry officer after conducting enquiry with regard to the charges alleged against the petitioner gave the following findings:

"Charge No.1: Temporary misappropriation and abuse of official position-

Partly proved.

Charge No.2: Non-compliance of instructions on sanction/conduct of gold loan accounts – collusion with other staff members – did not disclose the frauds/misappropriations to controlling authority – proved.

Charge No.3: Authenticated the balance of forged withdrawal – proved.

Charge No.4: Preparation of fictitious credit vouchers for demand loans closing – posting them in respective ledgers irregular conduct of gold loans – connivance with other staff – proved.

Charge No.5: Deliberately avoided to authenticate the balance in the passbooks of SB No.5330 and 5647 – Authenticated the wrong balances – proved.

Charge No.6: Loan accounts were allowed to get time barred. Caused financial loss to Bank – proved.

Charge No.7: Failed to conduct inspection of units financed resulting in over dues and misuse/diversion of Bank funds – causing huge financial loss to Bank – partly proved.

Charge No.8: Acquisition of properties not disclosing to the Bank – proved."

All the charges except charges 1 and 8 were proved. Charges 1 and 8 were partly proved. The disciplinary authority after considering the enquiry report submitted by the enquiry officer, passed the impugned order dated 03.04.1995. The same was affirmed by the 2nd respondent and communicated *vide* order, dated 28.08.1995.

The contention of the learned counsel for the petitioner that the 2nd respondent has not passed a speaking order is not tenable for the reason that the Board in its 121st meeting, after careful examination of the appeal, decided to uphold the action taken by the disciplinary authority. Learned counsel further submitted that the punishment imposed is disproportionate to that of the misconduct alleged and proved against the petitioner. As noticed above, the charges alleged against the petitioner are grave in nature and all the charges except charges 1 and 8 were proved in full. Therefore, the finding of the disciplinary authority that the petitioner deserves to be removed from service for the charges proved, which was confirmed by the appellate authority, cannot be said to be either illegal or arbitrary.

In the circumstances, I am of the opinion that the impugned proceedings passed by the respondents do not suffer from any error, warranting interference of this Court. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed without any order as to costs.

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(C.V.RAMULU,J)

Dated:31-01-2005

GJ

To

1 The Chairman & Disciplinary Authority
Sri Visakha Grameena Bank, Srikakulam
2 The Board of Directors,
Sri Visakha Grameena Bank, Srikakulam

3 Two C.D. copies.